

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Facilities with Voltages Between 50 kV and 200 kV: Presidential Substation Project.	Application 08-12-023 (Filed December 22, 2008)
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DECISION GRANTING COMPENSATION TO THE CENTER FOR BIOLOGICAL DIVERSITY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-03-006

Claimant: Center for Biological Diversity	For contribution to Decision (D.) 14-03-006
Claimed: \$177,531.88	Awarded: \$ 171,075.00 (3.667% reduction)
Assigned Commissioner: Michael Florio	Assigned Administrative Law Judge (ALJ): Hallie Yacknin

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	The decision grants Southern California Edison Company a permit to construct the Presidential Substation project, configured as "System Alternative A," with mitigation identified in the Mitigation Monitoring, Reporting and Compliance Program.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	1 st : June 25, 2009 2 nd : Oct. 18, 2011	Yes.
2. Other Specified Date for NOI:		
3. Date NOI Filed:	1 st : July 20, 2009 2 nd : Nov. 17, 2011	Yes.
4. Was the NOI timely filed?	Yes, both the Notice of Intent and Amended Notice of Intent were timely filed.	

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.08-12-023	Yes.
6. Date of ALJ ruling:	Oct. 08, 2009	Yes.
7. Based on another CPUC determination (specify):	D.13-04-028	Yes.
8. Has the Claimant demonstrated customer or customer-related status?		Yes.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.08-12-023	Yes.
10. Date of ALJ ruling:	Oct. 08, 2009	Yes.
11. Based on another CPUC determination (specify):	D.13-04-028	Yes.
12. Has the Claimant demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-03-006	Yes.
14. Date of Issuance of Final Order or Decision:	March 17, 2014	Yes.
15. File date of compensation request:	May 14, 2014	May 15, 2014
16. Was the request for compensation timely?		Yes, the request for compensation was timely filed.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Claimant’s Presentations and to Decision	CPUC Discussion
1. System Alternative A is the environmentally superior alternative.	<ul style="list-style-type: none"> D.14-03-006 (3/17/2014) at 15. ALJ’s Ruling Removing Evidentiary Hearings from Calendar (5/20/2014) at 2. Assigned Commissioner’s Ruling Amending Scoping Memo and Ruling (4/3/2014) at 2. ALJ’s Ruling Removing Evidentiary Hearings from Calendar (2/28/2012) at 2. Protest of the Center for Biological Diversity to Southern California Edison’s Application for a Permit to Construct the 	Agreed.

	<p>Presidential Substation and Associated Transmission/Distribution Facilities (2/19/2009) at 9-10.</p> <ul style="list-style-type: none"> • Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at 25, Exhibit 2. • Joint Notice of Ex Parte Communications by the Center for Biological Diversity and The Substation Transmission Towers Opposition Project (12/15/2011) at 2. • Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-13. • Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 5-11. 	
2. System Alternative A and the mitigation measures identified in the MMCRP are not infeasible.	<ul style="list-style-type: none"> • D.14-03-006 (3/17/2014) at 15. • Assigned Commissioner's Scoping Memo and Ruling (11/8/2011) at 3. • Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities (2/19/2009) at 9-10. • Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at Exhibit 2. • Joint Notice of Ex Parte Communications by the Center for Biological Diversity and The Substation Transmission Towers Opposition Project (12/15/2011) at 2. • Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-13. • Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 5-11. • Direct Supplemental Testimony of 	Agreed.

	<p>Jonathan Evans on Behalf of the Center for Biological Diversity (5/10/2013) at Attachment 1.</p> <ul style="list-style-type: none"> Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 13-23. 	
<p>3. System Alternative A meets the project objectives of additional transformer capacity to accommodate forecasted load demand in the ENA and improved electrical and operational flexibility.</p>	<ul style="list-style-type: none"> D.14-03-006 (3/17/2014) at 15. Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities (2/19/2009) at 9-10. Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-13. Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 5-11. Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 13-23. 	Agreed.
<p>4. Decreasing energy demand avoids the need for the Presidential Substation Project.</p>	<ul style="list-style-type: none"> D.14-03-006 (3/17/2014) at 6, 7. ALJ's Ruling Removing Evidentiary Hearings from Calendar (5/20/2014) at 2. Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities (2/19/2009) at 9-10. Prehearing Conference Statement of the Center for Biological Diversity (6/25/2009) at 3-6, 11-13, 17-18. Prehearing Conference Statement of the Center for Biological Diversity (10/18/2011) at 3-6, 9-11. Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at 2-4, Exhibits 1-3. Joint Notice of Ex Parte Communications 	Agreed.

	<p>by the Center for Biological Diversity and The Substation Transmission Towers Opposition Project (12/15/2011) at 2-3.</p> <ul style="list-style-type: none"> • Direct Testimony of Jonathan Evans on Behalf of the Center for Biological Diversity (1/6/2012) at Attachment 1. • Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 5-6. • Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 24-26. • Prehearing Conference Statement of the Center for Biological Diversity (4/1/2013) at 4-5. • Direct Supplemental Testimony of Jonathan Evans on Behalf of the Center for Biological Diversity (5/10/2013) at Attachment 1. • Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at Figure 2. 	
5. Additional energy infrastructure in the Electrical Needs Area avoids the need for the Presidential Substation Project.	<ul style="list-style-type: none"> • D.14-03-006 (3/17/2014) at 6. • Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities at (2/19/2009) 9-10. • Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 7 fn 23, 10 fn 53, 13 fn 72. • Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 13. • Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 14-15. 	Agreed.
6. Environmental impacts of the originally proposed Presidential Substation Project.	<ul style="list-style-type: none"> • D.14-03-006 (3/17/2014) at 9, 10, 14, Attach. A at C-3, C-4, C-15. • Protest of the Center for Biological 	Agreed.

	<p>Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities at (2/19/2009) 4, 13.</p> <ul style="list-style-type: none"> • Prehearing Conference Statement of the Center for Biological Diversity (6/25/2009) at 19. • Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at 6-22. 	
<p>7. Feasibility of project alternatives including those identified in the Draft Environmental Impact Report.</p>	<ul style="list-style-type: none"> • D.14-03-006 (3/17/2014) at 3, 6. • Assigned Commissioner's Ruling Amending Scoping Memo and Ruling (4/3/2014) at 2. • Assigned Commissioner's Scoping Memo and Ruling (11/8/2011) at 3. • ALJ's Ruling Removing Evidentiary Hearings from Calendar (2/28/2012) at 2. • Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities at (2/19/2009) 8-12. • Prehearing Conference Statement of the Center for Biological Diversity (6/25/2009) at 8-9, 15, 18. • Prehearing Conference Statement of the Center for Biological Diversity (10/18/2011) at 8, 12. • Joint Notice of Ex Parte Communications by the Center for Biological Diversity and The Substation Transmission Towers Opposition Project (12/15/2011) at 2. • Prehearing Conference Statement of the Center for Biological Diversity (4/1/20013) at 5-6. • Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at 24-28. 	<p>Agreed. The Commission notes the Assigned Commissioner's Ruling Amending Scoping Memo and Ruling was issued in 2013.</p>

	<ul style="list-style-type: none"> • Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-22. • The Center for Biological Diversity Opening Testimony of Bill Powers P.E. (1/6/2012). • Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 17-21. • Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 7-12, 23-37, Table 1, Table 2, Table 3, Figure 2. • The Center for Biological Diversity Supplemental Direct Testimony of Bill Powers, P.E. (5/10/2013). 	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹	No	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: Substation Transmission Towers Opposition Project (sTTop), cities of Thousand Oaks, Simi Valley, and Moorpark, Tedesco parties, Jose Valdez, and other local residents listed as parties.		Verified.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: While ORA was not a party to the proceeding the Center for Biological Diversity communicated with ORA staff to analyze issues in the proceeding and solicit information and commentary on ratepayer issues during the proceeding. The Center for Biological Diversity, sTTop, the Todesco parties, local residents, and counsel for the cities of Thousand Oaks, Simi Valley, and Moorpark communicated via email and held coordinating conference calls or meetings to discuss issues in the proceeding and coordinate on matters raised		Verified.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

during the proceeding.

The Center for Biological Diversity and sTTop communicated frequently and held coordination meetings to increase efficiency and to collectively address issues related to the proceeding and hearings. For example, the Center for Biological Diversity and sTTop coordinated on the submission of information in written and verbal form to Marcel Poirer, Legal Advisor to Commissioner Michael Florio. *See* Joint Notice of Ex Parte Communications By The Center for Biological Diversity and The Subtransmission Towers Opposition Project (Filed 12-15-11). The Center for Biological Diversity and sTTop also communicated frequently on the submission of data requests to assure information was properly shared by all parties and that the data requests were not duplicative.

The Center for Biological Diversity, sTTop, Todesco parties, and City of Simi Valley coordinated on the submission of testimony to avoid the duplication of issues and raise issues that were of greatest concern to each party and emphasize issues within each party's expertise.

The Center for Biological Diversity communicated with local residents to understand and convey their concerns on certain matters during the proceeding where they did not participate.

In other matters where there may have been duplication on certain issues the Center for Biological Diversity's arguments, analysis, factual support, and attachments supplemented, complemented, and contributed to the recommendation of another party. *See* Cal. Pub. Util. Code § 1802.5. For example, while other parties noted that there were other alternatives to the original Project the Center for Biological Diversity— while coordinating with other protesting parties—provided specific details about alternatives that are feasible with energy reductions measures and how those alternatives are supported by the Public Utilities Code and CPUC regulations. *See e.g.* Pre Hearing Conference Statement at (6/25/2009) at 8-9; Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-22.

In other example, the Center for Biological Diversity coordinated with the other parties to submit the only Pre Hearing Conference Statement for the third Pre Hearing Conference in order to emphasize issues that were shared by other parties. Pre Hearing Conference Statement of the Center for Biological Diversity (4/2/2013). Similarly, the Center for Biological Diversity took the lead in retaining experts and submitting testimony to provide factual information and rebut testimony from Southern California Edison, which was beyond the capability of the other protesting parties.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation:

Participation by the Center for Biological Diversity provided the following benefits:

CPUC Verified

Verified.

- 1) valuable technical expertise and advocacy to assist the California Public Utilities Commission in finding an environmentally superior alternative that met the project objectives;
- 2) assisted the CPUC in finding alternatives that saved ratepayers over \$55 million dollars;
- 3) assisted the CPUC in avoiding significant environmental impacts that would have resulted from the Presidential Substation Project.

1. Technical Expertise and Advocacy to the CPUC

From the outset the claimant provided information regarding the feasibility and environmental benefits of upgrades to existing substations in the electrical needs area combined with increased energy efficiency, which is the basis for System Alternative A. *See e.g.* Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities (2/19/2009) at 9-10.

The Center for Biological Diversity also provided robust information regarding the technical requirements for System Alternative A and rebutted questionable factual information provided by Southern California Edison supporting the Presidential Substation Project. Direct Testimony of David Marcus on Behalf of the Center for Biological Diversity (1/6/2012) at 12-13; Rebuttal Testimony of David Marcus on Behalf of the Center for Biological Diversity (2/6/2012) at 5-11; Direct Supplemental Testimony of Jonathan Evans on Behalf of the Center for Biological Diversity (5/10/2013) at Attachment 1; Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 13-23.

2. Information on Cost-Effective Alternatives and Ratepayer Benefits

Claimants provided substantial information that there were more cost-effective alternatives to the Presidential Substation Project and that, as proposed, the Presidential Substation Project would not benefit ratepayers. *See e.g.* Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 7-12, 23-37, Table 1, Table 2, Table 3, Figure 2. Cost savings to the ratepayers are far in excess of the compensation claim. Southern California Edison acknowledged it was proceeding with standard upgrades to existing substations regardless of the approval of a new Presidential Substation. *See e.g.* Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 10 fn 20, 15 fn 55 & fn 56.

Avoiding the construction of the Presidential Substation Project, in addition to already planned upgrades, saves ratepayers over \$55 million in costs associated with the Presidential Substation Project. Data Request Set, Presidential CBD-05, Question 2, a & b (5/3/2011); Supplemental Direct Testimony of David Marcus on Behalf of The Center for Biological Diversity (5/10/2013) at 38 fn 214. The Presidential Substation was the most expensive individual substation proposed in Southern California Edison's 2012 General Rate Case. Joint Notice of Ex Parte Communications by the Center for Biological Diversity and The SubstationTransmission Towers Opposition Project (12/15/2011) at Attachment 2.

<p>3. Negative Social and Environmental Impacts of the Originally Proposed Presidential Substation Project</p> <p>The Presidential Substation Project would also have had negative environmental and social impacts including potential impacts to aesthetics, air quality, agricultural resources, biological resources, cultural resources, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Draft Environmental Impact Report at ES-17.</p> <p>The Center for Biological Diversity provided additional information to the CPUC on environmental impacts that would result from the originally configured Project including, among other things, impacts on air quality, wildlife, and the surrounding communities. <i>See e.g.</i> Protest of the Center for Biological Diversity to Southern California Edison's Application for a Permit to Construct the Presidential Substation and Associated Transmission/Distribution Facilities at (2/19/2009) 4, 13; Comments of the Center for Biological Diversity on the Draft Environmental Impact Report for the Presidential Substation Project (11/15/2011) at 6-22.</p> <p>The Center for Biological Diversity provided valuable technical data to the CPUC in this proceeding. Avoiding impacts of the Project on the community and the environment are incalculable, and the savings to rate payers are over \$55 million. Claimant's participation helped the CPUC avoid these unnecessary social, environmental, and fiscal impacts.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>Claimant has participated in this application and related proceedings for over five years, since early 2009, and contributed to information that led the CPUC to determine the \$55 million project was unnecessary and harmful to the environment and ratepayers. Given the length of this proceeding and that Claimant provided the most substantive input on behalf of intervenors and protesting parties, which led to a substantial victory for ratepayers and the environment, Claimant's hours are very reasonable.</p> <p>Claimant submitted numerous separate statements, filings, or testimony, many with supplemental attachments, all of which provided substantial information and support for the CPUC during its decision making. Claimant submitted multiple rounds of testimony and statements associated with three pre-hearing conferences. Claimant retained experts to present evidence to the CPUC and rebut evidence presented by SCE.</p> <p>Claimant sought to coordinate with other parties on issues to avoid duplication via email, telephonic, and in person communication to reduce unnecessary hours. Claimant further sought to avoid unnecessary and wasteful review of documentation by senior staff in order to increase efficiency. Claimant further waives hours expended by law clerks, Elise Torres and Ellen Howard, a significant percentage of hours related to communication with intervenor sTTop, and costs associated with copies, telephone, mail, online-research in this proceeding so as to minimize expenses.</p> <p>Regarding the reasonableness of hours spent on intervenor compensation the</p>	<p>Verified.</p>

CPUC intervenor compensation claim requirements are quite onerous and detailed, requiring substantial time and attention to detail in preparation of the claim. Efforts were made by the claimant to minimize time during the preparation of the intervenor compensation related matters, but accuracy could not be sacrificed in the interest of expediency. Considering the breakdown and support required, by individual year, for rates, justification for substantial contribution by issue item, and review of materials over five years of proceedings the hours provided for preparation of intervenor compensation related issues is reasonable. The CPUC already deducts from the award based on a reduced rate for time spent and should not further reduce the hours requested without substantial evidence to support such a reduction. Pub. Util. Code § 1757(a)(4) (Commission decisions must be supported by “substantial evidence in light of the whole record.”).	
c. Allocation of Hours by Issue <i>See Attachment 1: Allocation of Hours by Issue and Timesheets</i>	Verified.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jonathan Evans, attorney	2009	167.2	\$225	D1110041	\$37,620	161.9 [1]	225.00	36,427.50
Jonathan Evans, attorney	2010	27.6	\$235	D1110041	\$6,486	27.6	235.00	6,486.00
Jonathan Evans, attorney	2011	103.4	\$280	D1110041	\$28,952	100.15 [2]	280.00	28,042.00
Jonathan Evans, attorney	2012	65.7	\$300	D1304028	\$19,710	64.1 [3]	300.00	19,230.00
Jonathan Evans, attorney	2013	42.1	\$310	D1304028 adjusted per Resolution ALJ-287 2% Cost of Living Adjustment ("COLA").	\$13,051	42.1 [4]	305.00	12,840.50
Jonathan Evans, attorney	2014	4.5	\$315	D1304028 adjusted per 1.5% COLA	\$1,417.50	4.2 [5]	305.00 [6]	1,281.00
Aruna Prabhala, attorney	2011	8.4	\$150	D1304028	\$1,260	8.4	150.00	1,260.00
Aruna Prabhala, attorney	2012	24.85	\$160	D1304028 adjusted per Resolution ALJ-281 2.2 % COLA and 5% step increase	\$3,976	24.85 [7]	160.00	3,976.00

Aruna Prabhala, attorney	2013	20.7	\$170	D1304028 adjusted per Resolution ALJ-287 2% COLA and 5% step increase	\$3,519	20.7	170.00 [8]	3,519.00
Adam Keats, attorney	2009	6.8	\$355	Resolution ALJ- 267 and D1004023 (attorneys with appellate experience)	\$2,414	6.8	355.00 [9]	2,414.00
David Marcus, expert	2009	1.3	\$290	D1110011 adjusted per Resolution ALJ-287 and market rate ⁱ	\$377	1.3	290.00	377.00
David Marcus, expert	2010	4.8	\$290	D1110011 adjusted per Resolution ALJ-287 and market rate ⁱ	\$1,392	4.8	290.00	1,392.00
David Marcus, expert	2011	37.25	\$290	D1110011 adjusted per Resolution ALJ-287 and market rate ⁱ	\$10,802. 50	37.25	290.00	10,802.50
David Marcus, expert	2012	28.5	\$310	D1110011 adjusted per Resolution ALJ-287 and market rate ⁱ	\$8,835	28.5	310.00	8,835.00
David Marcus, expert	2013	58.5	\$310	D1110011 adjusted per Resolution ALJ-287 and market rate ⁱ	\$18,135	58.5	310.00 [10]	18,135.00
Bill Powers, expert	2012	14	\$250	D0909024	\$3,500	14	250.00	3,500.00
Elise Torres, law clerk	2011	Waived	\$120	D1105016	\$0	Waived by CBD	00.00	00.00 [11]
Ellen Howard, law clerk	2009	Waived	\$120	D1105016	\$0	Waived by CBD	00.00	00.00
Subtotal: \$ 161,447						Subtotal: \$ 158,517.50		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hour s	Rate \$	Total \$
David Marcus, expert	2009	.2	145	Billing and invoice preparation work at 1/2 rate	\$29	.2	145.00	29.00

David Marcus, expert	2010	.4	145	"	\$58	.4	145.00	58.00
David Marcus, expert	2011	1.4	145	"	\$203	1.4	145.00	203.00
David Marcus, expert	2012	.8	155	"	\$124	.8	155.00	124.00
David Marcus, expert	2013	2.05	155	"	\$371.75	2.05	155.00	317.75
David Marcus, expert	2014	3.45	162.50	"	\$560.63	3.45	155.00 [12]	534.75
Jonathan Evans, attorney	2009	13.2	112.50	Travel at 1/2 rate	\$1,485.00	13.2	112.50	1,485.00
Jonathan Evans, attorney	2010	11.5	117.50	"	\$1,351.25	11.5	117.50	1,351.25
Jonathan Evans, attorney	2011	7.6	140.00	"	\$1,064.00	7.6	140.00	1,064.00
Adam Keats, attorney	2009	6	177.50	Travel at 1/2 rate	\$1,065	6	177.50	1,065.00
Subtotal: \$ 6,257.63						Subtotal: \$ 6,231.75		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hour s	Rate	Total \$
Jonathan Evans, attorney	2009	9.5	112.50	Intervenor compensation, billing and travel at 1/2 rate	\$1,068.75	9.5	112.50	1,068.75
Jonathan Evans, attorney	2010	11.5	117.50	"	\$1,351.25	11.5	117.50	1,351.25
Jonathan Evans, attorney	2011	6.7	140.00	"	\$938.00	6.7	140.00	938.00
Jonathan Evans, attorney	2014	37.1	162.50	Intervenor compensation and billing at 1/2 rate	\$5,843.25	15.0	152.50 [13]	2,287.50
Subtotal: \$ 9,201.25						Subtotal: \$5,645.50		
COSTS								
#	Item	Detail			Amount	Amount \$		
	Travel costs	Airfare, lodging, rental car, and gas costs for travel to Thousand Oaks and project area for the following: the Notice of Preparation of an EIR Scoping Meeting; multiple Pre-Hearing Conferences; site visits; and meetings with co-protesting			\$680.25	\$680.25		

	parties.		
Copies, telephone, mail, online-research	waived	\$0	\$00.00
TOTAL REQUEST: \$ 177,586.13			TOTAL AWARD: \$ 171,075.00
<p>* We remind all intervenors that Commission staff may audit its records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>** Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>			
Attorney	Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Jonathan Evans	December 2006	247376	No
Aruna Prabhala	December 2011	278865	No
Adam Keats	December 1997	191157	No. From January 01, 2000 until November 12, 2003, Keats maintained inactive status with the California Bar.

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission only compensates intervenors for work performed that assists the Commission's decision-making process. CBD's internal work to retain an expert did not directly assist the Commission. As such, 5.3 hours are removed from Evans' 2009 claim.
[2]	<p>The Commission does not compensate attorneys for work performed that is clerical in nature, as such work is factored into the approved rate. The Commission will not compensate for the following hours:</p> <p>10/18/2011 – File and Serve PHC statement in electronic and paper form – 0.7 hours</p> <p>10/26/2011 – Resubmission and service of PHC statement – 0.6 hours</p> <p>11/15/2011 – Preparation, filing, and service of motion to file documents under seal – 4.5 hours (only 0.5 hours will be removed for the filing and service)</p> <p>12/02/2011 – Drafting and submission of ex parte request form; communication thereof - 0.3 hours (only 0.15 will be removed for the submission and communication)</p> <p>12/15/2011 – Editing and filing of ex parte report; communication thereof - 1.3 hours</p> <p>The Commission removed 3.25 hours from Evans' 2011 claim.</p>

² This information may be obtained at: <http://www.calbar.ca.gov/>.

[3]	<p>The Commission does not compensate attorneys for work performed that is clerical in nature, as such work is factored into the approved rate. The Commission will not compensate for the following hours:</p> <p>1/11/2012 – Service of documents on ALJ – 0.4 hours</p> <p>1/12/2012 – Editing, correspondence, and service of data request – 1.2 hours</p> <p>The Commission removed 1.6 hours from Evans’ 2012 claim.</p>
[4]	<p>The Commission applies the 2% cost-of-living-adjustment to Evans’ 2012 rate to obtain the 2013 rate. After rounding down to the nearest five dollar increment, Evans’ 2013 rate is set at \$305.</p>
[5]	<p>The Commission only compensates intervenors for work performed that assists the Commission’s decision-making process. Evans’ “review of the hold list and proposed agenda” did not assist the Commission. As such, 0.3 hours are removed from Evans’ 2014 claim.</p>
[6]	<p>The Commission has not adopted a cost-of-living-adjustment for 2014 and will not do at this point. If the Commission adopts a 2014 adjustment, Evans may then seek to modify the 2014 rate. Until then, Evans’ 2014 remains unchanged and is set at \$305.</p>
[7]	<p>The Commission approves Prabhala’s 2012 rate at \$160, which includes the appropriate cost-of-living-adjustment and step increase.</p>
[8]	<p>The Commission approves Prabhala’s 2013 rate at \$170, which includes the appropriate cost-of-living-adjustment and step increase. Per Resolution ALJ-287, Prabhala is not entitled to another step increase while occupying the present level of experience.</p>
[9]	<p>The Commission approves Keats rate for 2009 of \$355. The Commission notes, however, that this rate is set based upon Keats’ extensive career in practicing law, not for any appellate experience. In D.10-04-023 (and the related 166 Cal.App.4th 522 (2008)), cited by CBD, experience in appellate work was directly applicable to the proceeding, since judicial review was sought by TURN. TURN specifically hired outside counsel to assist with the federal appellate work. Here, having appellate experience did not have any impact on the Commission’s decision.</p>
[10]	<p>The Commission, after reviewing the attached CV and invoices for Marcus, approves the rates sought by CBD for 2009 (\$290), 2010 (\$290), 2011 (\$290), 2012 (\$310), and 2013 (\$310).</p>
[11]	<p>Because CBD waived the hours of Howard and Torres, the Commission elected to not set a rate for their hours worked.</p>
[12]	<p>The Commission has not adopted a cost-of-living-adjustment for 2014 and will not do at this point. If the Commission adopts a 2014 adjustment, Marcus may then seek to modify the 2014 rate. Until then, Marcus’ 2014 remains unchanged and is set at \$310.</p>
[13]	<p><i>See</i> [2], above.</p> <p>In addition, CBD claims an excessive amount of hours for the preparation of the</p>

	intervenor compensation claim. As such, Evans' 2014 hours have been reduced to 15 hours.
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PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes.

FINDINGS OF FACT

- Center for Biological Diversity has made a substantial contribution to D.14-03-006.
- The requested hourly rates for Center for Biological Diversity's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$171,075.00.

CONCLUSION OF LAW

- The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

- Center for Biological Diversity is awarded \$171,075.00.
- Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Center for Biological Diversity (Claimant) the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 28, 2014, the 75th day after the filing of Claimant's request, and continuing until full payment is made.
- The comment period for today's decision is waived.
- This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1403006		
Proceeding(s):	A0812023		
Author:	ALJ Yacknin		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Biological Diversity	05/15/14	\$177,531.88	\$ 171,075.00	No.	See Part III.C.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jonathan	Evans	Attorney	Center for Biological Diversity	\$225.00	2009	\$225.00
Jonathan	Evans	Attorney	Center for Biological Diversity	\$235.00	2010	\$235.00
Jonathan	Evans	Attorney	Center for Biological Diversity	\$280.00	2011	\$280.00
Jonathan	Evans	Attorney	Center for Biological Diversity	\$300.00	2012	\$300.00
Jonathan	Evans	Attorney	Center for Biological Diversity	\$310.00	2013	\$305.00
Jonathan	Evans	Attorney	Center for Biological Diversity	\$315.00	2014	\$305.00
Aruna	Prabhala	Attorney	Center for Biological Diversity	\$150.00	2011	\$150.00
Aruna	Prabhala	Attorney	Center for Biological Diversity	\$160.00	2012	\$160.00

Aruna	Prabhala	Attorney	Center for Biological Diversity	\$170.00	2013	\$170.00
Adam	Keats	Attorney	Center for Biological Diversity	\$355.00	2009	\$355.00
David	Marcus	Expert	Center for Biological Diversity	\$290.00	2009	\$290.00
David	Marcus	Expert	Center for Biological Diversity	\$290.00	2010	\$290.00
David	Marcus	Expert	Center for Biological Diversity	\$290.00	2011	\$290.00
David	Marcus	Expert	Center for Biological Diversity	\$310.00	2012	\$310.00
David	Marcus	Expert	Center for Biological Diversity	\$310.00	2013	\$310.00
Bill	Powers	Expert	Center for Biological Diversity	\$250.00	2012	\$250.00
Elise	Torres	Law Clerk	Center for Biological Diversity	\$120.00	2011	No Rate Set
Ellen	Howard	Law Clerk	Center for Biological Diversity	\$120.00	2009	No Rate Set

(END OF APPENDIX)